

UNITED STATES DISTRICT COURT

JOSEPH P. SCHMITT, pro se.,

Plaintiff,

v.

CARTER THOMAS, et al.,

Defendants

CIVIL ACTION NO. 2005-10571-RWZ

FILED  
CLERKS OFFICE  
2006 JUL 26 P 2:57  
U.S. DISTRICT COURT  
DISTRICT OF MASS

MOTION FOR LEAVE TO AMEND COMPLAINT

Now comes the pro se Plaintiff, Joseph P. Schmitt, and moves this Court for a Leave of Action so as to amend the complaint.

As grounds thereof, Plaintiff states the following.

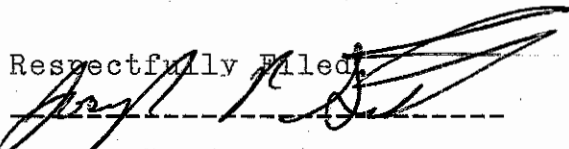
1. Plaintiff is civilly committed and in the care and custody of the Department of Correction at the Treatment Center in Bridgewater.
2. Plaintiff has limited access to legal material at the Treatment Center's law library.
3. Plaintiff has, within the past twenty four hours, obtained legal materials that supports his action(s) before this Court, which were not available at the Treatment Center's library.
4. Partial service has been made in this action by the US Marshals Office (Plaintiff has no control over or knowledge as to why all defendants have not been served).
5. Counsel for the defendants in this action, and plaintiff assumes said counsel will also represent defendants in all other actions of his before this court, has filed a motion to expand the time to file a responsive pleading up to and including September 8, 2006.
6. Plaintiff's motion will not cause any harm or prejudice to the plaintiff's opposing counsel whatsoever. In fact, it may only serve to give strength to possible future motions by opposing counsel to further expand the time to file responsive pleadings, and plaintiff would not offer any opposition to this, if in fact he files his amended complaint after the September 8, 2006 requested enlargement date by opposing counsel.

7. Plaintiff is not a trained attorney, nor has he been afforded ample time prosecuting civil actions before a jury (or Judge). The opposing counsel has all the benefits and a great deal more. In the interest of pure and simple justice Plaintiff should be granted as much benefits and leeway as possible without causing prejudice and/or harm to the defendants. The information Plaintiff has just obtained can and in his layman opinion will strengthen his action(s) and thus make the matter easier for the Jury (or Judge) to rule upon.

WHEREFORE, Plaintiff prays this Honorable Court GRANT the above motion and STAY this action until such time as Plaintiff files his amended complaint.

Dated: July 24, 2006

Respectfully Filed:

  
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Joseph P. Schmitt, pro se  
Nemasket Correctional Facility  
30 Administration Road  
Bridgewater, MA. 02324-3230